



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Zoning Administrator,
Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department

Ms. Kuzhalmozhi Sundar, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. Michael S. Golden, Director,
Parks and Recreation Department
Ms. Jennifer Wampler, Planner, Parks Maintenance Division,
Parks and Recreation Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration
Mr. Charles Dane, Airport Manager,
Chesterfield County Airport

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.

- B. **Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. **Plans and Information Section Update.**
- D. **Work Program – Review and Update.**
- E. **Consideration of the following Administrative Substantial Accord Determinations:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0140 Midlothian	Omnipoint CAP Operations LLC	Substantial Accord Determination	Vepco/Epic Road
05PD0148 Matoaca	Chesterfield County Parks and Recreation	Substantial Accord Determination	Eppington Road ROW and Park Expansion

- F. **Discussion Relative to Chester Village Plan Amendment.**
- G. **Follow-up Discussion Relative to Growth Management Retreat Items.**
- H. **Discussion Relative to Subdivision Cash Proffer for Off-Site Road Improvements.**
- I. **Initiation of Application at The Grove relative to Setback Exceptions in the Residential Townhouse (R-TH) District.**
- J. **Ordinance Amendment relative to Home Occupations.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission amended the agenda to add a new Item K., Zoning Ordinance Amendment to Section 19-51 relative to Certificates of Appropriateness for Historically Designated Sites and to consider a request from the Chesterfield County Parks and Recreation Department to defer Case 05PD0148, Administrative Substantial Accord Determination (Eppington Road ROW and Park Expansion) to the October 19, 2004, Planning Commission Work Session and reordered the agenda accordingly.

AYES: Messrs. Gecker, Litton, Wilson and Bass.
ABSENT: Mr. Gulley.

B. REVIEW DAY'S AGENDA.

Mr. Hainley updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the zoning requests to be considered during the Evening Session, as well as the upcoming caseloads.

C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Carter updated the Commission as to the status of the Chester Village Plan Amendment, requesting the Commission schedule discussion of the item for their October 19, 2004, Work Session, with the goal of scheduling a public hearing for their November 16, 2004, meeting.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission scheduled discussion of the Chester Village Plan Amendment for their October 19, 2004, Work Session.

AYES: Messrs. Gecker, Litton, Wilson and Bass.
ABSENT: Mr. Gulley.

Mr. Bowling updated the Commission as to the status of ongoing citizens meetings relative to the Upper Swift Creek Plan Amendment, noting that staff was awaiting transportation and water quality input.

D. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their October 2004 Work Program, as outlined by Mr. Turner.

E. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATIONS:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0140 Midlothian	Omnipoint CAP Operations LLC	Substantial Accord Determination	Vepco/Epic Road

Mr. Bass stated he was retired from Dominion Virginia Power, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and recused himself from the meeting at approximately 1:16 p. m.

Ms. Ambre Blatter, the applicant's representative, accepted staff's recommendation.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission confirmed the decision of the Director of Planning that the Substantial Accord Determination for the proposed public facility (communications tower) for Case 05PD0140, Omnipoint CAP Operations LLC (Vepco/Epic Road) was consistent with the Comprehensive Plan.

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

Mr. Bass returned to the meeting at approximately 1:17 p. m.

05PD0148	Chesterfield County Parks and	Substantial Accord	Eppington Road
Matoaca	Recreation	Determination	ROW and Park
			Expansion

Mr. Mike Golden requested deferral to the October 19, 2004, Planning Commission meeting to allow staff an opportunity to further address transportation concerns.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission deferred Case 05PD0148, Chesterfield County Parks and Recreation (Eppington Road ROW and Park Expansion) to the October 19, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

F. DISCUSSION RELATIVE TO CHESTER VILLAGE PLAN AMENDMENT.

Action to schedule discussion of the Chester Village Plan Amendment at the October 19, 2004, Planning Commission Work Session was taken during discussion of Item C., Plans and Information Section Update.

G. FOLLOW-UP DISCUSSION RELATIVE TO GROWTH MANAGEMENT RETREAT ITEMS.

Mr. Larson presented a PowerPoint presentation relative to a list of pros and cons for each element of the June 25, 2004, Board of Supervisors' Growth Management Retreat-related items, as requested by the Commission at their August 17, 2004, meeting.

Upon conclusion of the discussion, the Commission concurred with Mr. Gecker's suggestions that the individual elements of the retreat-related items be assigned to either an individual Commissioner and/or staff for further action, that certain elements be incorporated into existing pending Planning Commission Major Projects and/or that certain elements be assigned to existing Commission committees. He requested that recommendations for any new potential committees, if deemed necessary, be provided at the October 19, 2004, Work Session and/or that recommendations for final action be provided at the November 16, 2004, Work Session.

H. DISCUSSION RELATIVE TO SUBDIVISION CASH PROFFER FOR OFF-SITE ROAD IMPROVEMENTS.

Mr. Robinson presented an overview of the Subdivision Cash Proffer for Off-Site Road Improvements proposal, requesting the Commission schedule a public hearing on October 19, 2004.

Upon conclusion of the discussion, the Commission agreed to not schedule the item for public hearing but requested staff prepare a memo to the Board of Supervisors outlining the Commission position.

I. INITIATION OF APPLICATION AT THE GROVE RELATIVE TO SETBACK EXCEPTIONS IN THE RESIDENTIAL TOWNHOUSE (R-TH) DISTRICT.

Upon conclusion of discussion, it was on motion of Mr. Wilson, seconded by Mr. Litton, that the Commission resolved to defer action for the initiation of a zoning application at The Grove relative to setback exceptions in the Residential Townhouse (R-TH) District to the 7:00 p. m. Session.

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

J. ORDINANCE AMENDMENT RELATIVE TO HOME OCCUPATIONS.

Mr. Janosik presented an overview of a proposed Ordinance Amendment relative to Home Occupations and requested the Commission consider scheduling a public hearing at their October 19, 2004, meeting.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to set the date of, and requested staff take the necessary steps to advertise, October 19, 2004, at 7:00 p. m., for a public hearing to consider an Ordinance Amendment relative to Home Occupations.

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

K. ZONING ORDINANCE AMENDMENT TO SECTION 19-51 RELATIVE TO CERTIFICATES OF APPROPRIATENESS FOR HISTORICALLY DESIGNATED SITES.

Mr. Turner presented an overview of a proposed Ordinance Amendment relative to Certificates of Appropriateness for Historically Designated Sites and requested the Commission consider scheduling a public hearing at their October 19, 2004, meeting.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to set the date of, and requested staff take the necessary steps to advertise, October 19, 2004, at 7:00 p. m., for a public hearing to consider an Ordinance Amendment to Section 19-51 relative to Certificates of Appropriateness for Historically Designated Sites.

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

RECESS.

There being no further business to discuss, the Commission recessed at approximately 2:20 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

◆ Amendment of May 18, 2004 Planning Commission Minutes.

Mr. Turner stated that the first order of business would be consideration of amendment of the May 18, 2004, Planning Commission minutes.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to approve the May 18, 2004, Planning Commission minutes, with the following amendment:

Page 46, Paragraphs 10 and 11:

"On motion of Mr. Wilson, seconded by Mr. Bass, the Commission, due to a lack of a majority vote on a recommendation, carried forward Case 04SN0205 to the 7:00 p. m. Session at the June 15, 2004, Planning Commission public hearing.

"AYES: Messrs. ~~Gecker~~, Litton, Wilson, Gulley and Bass.

"ABSENT: Mr. Gecker."

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

◆ August 17, 2004.

Mr. Turner stated the next order of business would be consideration of the August 17, 2004, Planning Commission minutes.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to approve the August 17, 2004, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Wilson and Bass.
ABSENT: Mr. Gulley.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

Mr. Turner noted that, since publication of the 3:00 p. m. Session Day's Agenda, the representative for Case 05TW0100, Cyrus Aman (Mohawk Subdivision) had requested deferral to the October 19, 2004, Planning Commission meeting.

◆ **DEFERRAL.**

05TW0100: In Midlothian Magisterial District, **CYRUS AMAN** requested deferral to October 19, 2004, of consideration for approval of an alternative standard to Section 17-35 of the Subdivision Ordinance to permit the creation of a lot smaller than the average lot size in the subdivision. This development is commonly known as **MOHAWK SUBDIVISION**. This request lies in a Residential (R-15) District on a 1.35 acre parcel fronting 289.96 feet on the western line of Forest Hill Avenue, also fronting 177.3 feet on the northern line of Mohawk Drive and located in the northeast quadrant of the intersection of these roads. Tax ID 756-719-0129 (Sheet 3).

Mr. Richard Bidwell, the applicant's representative, requested deferral to the October 19, 2004, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 05TW0100, Cyrus Aman (Mohawk Subdivision), to the October 19, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson and Bass.
ABSENT: Mr. Gulley.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

05PS0119: In Matoaca Magisterial District, **JMS INVESTMENTS LLC** requested schematic plan approval for a mixed use development. This project is commonly known as **HARPERS MILL**. This request lies in a Residential (R-12) District on a 1,196.2 acre parcel lying at the southern terminus of Otterdale Road extending south to Beach Road at its intersection with Coalboro Road and having approximately 1,900 feet of frontage on Beach Road. Tax ID 714-663-0471 (Sheets 15 and 23).

Mr. John Jordan, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Bass, Mr. Jordan addressed environmental concerns, noting the safeguards in place would suffice until such time as regional BMPs were installed and would ensure that drainage from the property did not adversely impact adjacent property owners.

In response to questions from Mr. Bass, Mr. Mark Sowers addressed concerns relative to a portion of the property being provided for a school site, noting that, although he had been contacted by individuals associated with the Public-Private Education Infrastructure and Facilities Act, no one from the School Board had contacted him regarding the proposed site.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved that approval of the schematic plan for a proposed mixed use development for Case 05PS0119, JMS Investments LLC (Harpers Mill), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. A fifty (50) foot buffer shall be provided on the L-2 commercial tract excluding any public streets to the adjacent residential tract as approved through the conceptual plan or tentative subdivision plat approval. Any additional buffers required to provide transitions between other uses and/or streets shall comply with the depth of the buffer required through the conceptual plan, site plan or tentative subdivision plat approval. All buffers shall comply with the standards established in Section 17-70 of the Subdivision Ordinance. (P)
2. If the applicant chooses to develop anything other than residential use excluding single family (R-12) in tracts H, I and L-1 a conceptual plan depicting the locations of and transitions between uses shall be submitted for approval. Uses permitted to occur in these tracts subject to this approval process are cluster residential, townhome, multifamily (age restricted) and cluster condominium. Any other use permitted in those tracts by zoning shall be approved through an amended schematic plan approval. (P)
3. The provision for adequate vehicular and pedestrian access from the residential tracts to the recreation areas shall be evaluated through the tentative plat review. (P)
4. Otterdale Road, Harpers Mill Parkway and the access points to these two (2) roadways are generally acceptable as shown on the schematic plan. However, modifications to alignments and access point locations may be made at the time of tentative review. (T)

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

04TW0392: In Dale Magisterial District, **RICHARD WAYNE BROWN** requested Planning Commission approval of a development standards waiver to Section 19-510(a)(1) to permit a boat to be parked in an area of the rear yard outside the required rear yard area. This request lies in a Residential (R-12) District on a 0.3 acre parcel fronting approximately 169 feet on the eastern line of Boonesboro Drive, also fronting

approximately 125 feet on Boones Trail Road and located in the northeast quadrant of the intersection of these roads. Tax ID 756-685-9739 (Sheet 11).

Mr. Richard Wayne Brown, the applicant, did not accept staff's recommendation, citing the topography of the property as a detriment to relocating his boat to another portion of his property and the financial hardship he would incur if he had to store the boat off-site and/or alter the property to accommodate relocation of the boat. He pointed out that other boats and/or recreational vehicles were parked in yard areas in the neighborhood; that the boat parked in its current location was less visible than it would be if he relocated it to another portion of the property, as proposed by staff; that he did not believe the boat, as parked, was impairing property values; and that granting the development standards waiver would allow compliance with pertinent Ordinances and/or Plans.

Mr. Hainley presented an overview of the request and staff's recommendation for denial, noting the amount of slope on the property was not a detriment to complying with the location requirements; that the requested location was visible from the street and may have a negative impact on the neighborhood; and that the applicant had not demonstrated a hardship, other than economic, to justify the retention of the boat in its current location. He also referenced alternative conditions, suggested by Mr. Litton, that the Commission may wish to consider if they determined approval of the request was appropriate.

Mr. Gecker opened the discussion for public comment.

Mr. Mark Edmunds, a resident of Boonesboro Drive stating he was the only area resident most affected by the visibility of the parked boat, voiced support for the request.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from the Commission, Mr. Hainley addressed concerns relative to Ordinance requirements, staff's recommendation, topography of the property, actions taken by the applicant to lessen the visibility of the parked boat, alternative conditions suggested by Mr. Litton that could be imposed if the Commission determined approval of the request was appropriate, amendment to the suggested alternative conditions and other issues of concern.

Mr. Litton stated he felt approval of the request would be appropriate with the suggested alternative conditions.

Mr. Wilson stated he felt requiring the applicant to comply with the Ordinance would cause the parked boat to be even more visible than it currently was and given the topography of the property, a fence would not conceal most of the boat.

Mr. Bass stated he felt the boat was in the best location it could be, as currently located by the applicant.

Mr. Gecker suggested that maximum screening could be achieved if the boat were parked on the existing parking pad nearest the house with vehicles parked in front of it.

Mr. Litton amended his suggested conditions to reflect that the development standards waiver be granted to and for, Richard Wayne Brown, exclusively, and not be transferable nor run with the land and that the applicant park the boat to the north of the front of the house on the existing parking pad nearest the house.

Mr. Brown accepted the amended conditions.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission found Case 04TW0392, Richard Wayne Brown substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-510(a)(1) of the Zoning Ordinance to permit a boat to be parked in an area of the rear yard outside the required rear yard, subject to the following conditions:

CONDITIONS

1. The development standards waiver shall be granted to and for, Richard Wayne Brown, exclusively, and shall not be transferable nor run with the land. (CPC)
2. The applicant shall park the boat to the north of the front of the house on the existing parking pad nearest the house. (CPC)

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego Field Trip visit.

◆ **DINNER LOCATION.**

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

E. ADJOURNMENT.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission adjourned the Work Session at approximately 3:40 p. m., agreeing to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson and Bass.

ABSENT: Mr. Gulley.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

Mr. Gecker stated Mr. David Welchons, formerly the County's Director of Utilities, passed away Monday after an extended illness and conveyed condolences to his family and friends.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the next three (3) months, noting the October 19, 2004, agenda was comprised of eleven (11) cases, the November 16, 2004, agenda was comprised of fifteen (15) cases and the December 13, 2004, was comprised of fifteen (15) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. INITIATION OF APPLICATION AT THE GROVE RELATIVE TO SETBACK EXCEPTIONS IN THE RESIDENTIAL TOWNHOUSE (R-TH) DISTRICT.

Ms. Rogers explained a request to initiate an application for an amendment to Conditional Use Planned Development (Case 91SN0172) for bulk exceptions in a Residential Townhouse (R-TH) District to correct violations of side, corner side and rear yard setbacks.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission initiated a zoning application for amendment to Conditional Use Planned Development (Case 91SN0172) for bulk exceptions in a Residential Townhouse (R-TH) District on Lots 1 through 27, 29 through 33 and 35 through 66 of the Ridgemoor Development and Lots 1 through 44, 47 through 60, 65 through 75, 77 through 79 and 81 of the Scotter Hills Development and waived the disclosure requirements.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

F. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **WITHDRAWAL.**

04SN0166: In Bermuda Magisterial District, **MELVIN L. FISHER** withdrew amendment to Conditional Use (Case 00SN0262), Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Community Business (C-3) District on 1.1 acres fronting approximately 280 feet on the east line of Jefferson Davis Highway, also fronting approximately 280 feet on the south line of Pinehurst Street and located in the southeast quadrant of the intersection of these roads. Tax IDs 795-664-7592 and 795-665-6610, 7102 and 8407 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, withdrew Case 04SN0166.

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission acknowledged withdrawal of Case 04SN0166.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **REQUESTS FOR DEFERRALS BY APPLICANTS.**

04SN0182: In Dale Magisterial District, **LUCAS PROPERTIES, LLC** requested deferral to October 19, 2004, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-40). Residential use of up to 1.09 units per acre is permitted in a Residential (R-40) District. The Comprehensive Plan suggests the property is appropriate for residential use with 1-5 acre lots suited to Residential (R-88) zoning. This request lies on 438 acres fronting approximately 1,100 feet on the south line of Nash Road approximately 3,100 feet northeast of East Fair Drive, also fronting 1,400 feet on the east line of East Fair Drive approximately 450 feet north of Regalia Drive. Tax ID 768-654-1587 (Sheet 25).

Mr. Brennen Keene, the applicant's representative, requested deferral to the October 19, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0182 to the October 19, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0219: In Bermuda Magisterial District, **IRONBRIDGE BOULEVARD LLC** requested deferral to October 19, 2004, for consideration of rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Corporate Office (O-2) to Residential Townhouse (R-TH). Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 20 acres fronting approximately 1,100 feet on the north line of Ironbridge Parkway, also fronting approximately 1,300 feet on the west line of Ironbridge Boulevard and located in the northwest quadrant of the intersection of these roads. Tax ID 775-656-4862 (Sheet 25).

Mr. Larry Horton, the applicant's representative, requested deferral to the October 19, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0219 to the October 19, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0307: In Matoaca Magisterial District, **WILLIAM B. AND GENE DUVAL** requested deferral to the regularly scheduled meeting in March 2005 for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25). Residential use of up to 1.75 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies on 15 acres lying approximately 2,500 feet off the northwest line of Second Branch Road, approximately 1,880 feet northeast of River Road. Tax ID 730-646-Part of 6067 (Sheets 31 and 32).

Ms. Kristen Keatley, the applicant's representative, requested deferral to the Commission's regularly scheduled meeting in March 2005.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 0SN0307 to the regularly scheduled March 2005 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

04SN0303: In Matoaca Magisterial District, **FAIRWEATHER INVESTMENTS, LLC** requested deferral to January 18, 2005 for consideration of Conditional Use and amendment of zoning district map to permit a private waste treatment facility on 30 acres of a 1,430 acre parcel. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is

appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in an Agricultural (A) District on 30 acres fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for approximately 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-Part of 6377 (Sheets 33 and 40).

Mr. John Cogbill, the applicant's representative, requested deferral to the January 18, 2005 public hearing, indicating sixty (60) days would be at the applicant's request and sixty (60) days would be at the District Commissioner's request, to allow the applicant and citizens to address concerns.

There was no opposition to the deferral.

The following motion was made at the applicant's and Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 04SN0303 sixty (60) days at the applicant's request and sixty (60) days on the Commission's motion, for a total of 120 days, to the January 18, 2005 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0302: In Matoaca Magisterial District, **OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 2.5 acres and is known as 11010 Winterpock Road. Tax ID 720-655-5381 (Sheet 23).

Ms. Ambre Blatter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0302, subject to the following conditions:

CONDITIONS

1. The communications tower use shall be permitted only if it is incorporated into the structure of a water tank. Antennas shall be mounted on the safety rail of the water tank. All cabling shall be housed in conduit or otherwise shielded from view. (P)
2. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)

3. The color and lighting system for the tower shall be as follows:
 - a. The communications equipment (antennas, mounting hardware, cabling, etc.) mounted on the outside of the water tank structure shall be the same or similar color as the water tank.
 - b. The tower shall not be lighted. (P)
4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)
5. The tower shall not exceed a height of 160 feet. (P)
6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0311: In Midlothian Magisterial District, **SOUTHERN COMMUNITY BANK & TRUST** requested amendment to Conditional Use Planned Development (Case 84S141) and amendment of zoning district map to delete Master Plan and buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general business use. This request lies in a Corporate Office (O-2) District on 0.7 acre and is known as 1231 Alverser Drive. Tax ID 739-709-3592 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0311.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05SN0135: (Amended) In Midlothian Magisterial District, **BALZER & ASSOC., INC.** requested amendment to Conditional Use Planned Development (Case 91SN0172) and amendment of zoning district map to permit bulk exceptions in the Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 2.51 to 4.0 units per acre. This request is known as part of the Ridgemoor and Scotter Hills Developments which lie on the east and west

lines of Grove Hill Road, south of Woolridge Road. Lots 28 and 34 of the Ridgemoor Development and Lots 45, 46, 61 through 64, 76 and 80 of the Scotter Hills Development (Sheets 5 and 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Mr. Frank DiPofi, representing the Village of Midlothian Volunteer Coalition, stated he had not been contacted about the situation but was appreciative of the Commission's action to rectify the problem.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Lots 10, 11, 24, 30-33, 35-66 of the Ridgemoor Development and Lots 1-5, 23-44, 47-60, 65, 71-75, 77-79 and 81 of the Scotter Hills Development

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Lots 28 and 34 of the Ridgemoor Development and Lots 45, 46, 61 through 64, 76 and 80 of the Scotter Hills Development for Case 05SN0135, subject to the following condition:

CONDITION

For R-TH uses, the following bulk exceptions shall apply for development on the subject property:

1. Side yard. A side yard of not less than ten (10) feet in width shall be provided for each end residence in townhouse groups or rows having three (3) or more lots.
2. Corner side yard. A corner side yard of not less than ten (10) feet.
3. Rear yard. A rear yard of not less than nineteen (19) feet. (P)

(NOTE: This condition amends Item II of the Textual Statement for Case 91SN0172 for the subject property only. All other conditions of Case 91SN0172 shall remain in effect.)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0255: (Amended) In Dale Magisterial District, **R. C. WHEELER CONSTRUCTION CO.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 - 4.0 units per acre. This request lies on 1.2 acres fronting approximately 300 feet on the north line of Cascade Street north of Upp Street. Tax ID 777-688-9030 (Sheets 11 and 12).

Mr. Richard Minter, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0255 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. The applicant, subdivider or assignee(s) shall pay the following for dwelling units developed to the County of Chesterfield prior to the issuance of building permit infrastructure improvements within the service district for the property:
 - a. \$9,000 per dwelling unit, if paid prior to July 1, 2004; or
 - b. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
 - c. In the event the cash payment is not used for the purpose for which proffered within fifteen (15) years of receipt, the cash shall be returned in full to the payer. (B&M)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

04SN0268: In Matoaca Magisterial District, **DEMPSEY L. BRADLEY, JR. AND SUSAN T. BRADLEY** requested Conditional Use and amendment of zoning district map to permit a business operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 5.4 acres and is known as 9823 Woodpecker Road. Tax ID 756-645-2919 (Sheet 33).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed land use failed to conform with the Southern and Western Area Plan and that the use was incompatible with existing and future area development. She stated should the Commission see fit to recommend approval of the request, Mr. Bass wished to recommend conditions in lieu of the proffered conditions outlined in the "Request Analysis."

Mr. Dempsey Bradley, Jr., one of the applicants, did not accept staff's recommendation, noting there was no production on the site; the current operation was not visible from Woodpecker Road; and no one in the neighborhood opposed the use. He indicated he was actively seeking a new location for the business and asked the Commission to approve his application until such time as he could relocate.

Mr. Gecker opened the discussion for public comment.

Mr. Doug Hackman, a County resident and businessperson, voiced support for the request, indicating he supported a property owner's right to use his property as he wished.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Bass stated, in view of the fact the applicants were operating a business on the property without appropriate zoning approval but were actively seeking a new site to relocate their business, he felt approval of the request for a limited time would be appropriate, subject to his suggested conditions in lieu of the proffered conditions outlined in the "Request Analysis."

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0268, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Dempsey L. Bradley, Jr. and Susan T. Bradley, exclusively, and shall not be transferable or run with the land.
2. The business shall be located within the existing detached garage. There shall be no further additions or expansions to the existing building to accommodate this use.
3. There shall be no outside storage permitted.
4. The contractor's office and warehouse shall be permitted for a maximum of eighteen (18) months from the date of approval of this request.
5. There shall be no signs permitted to identify this use.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0227: In Dale Magisterial District, **GELLETLY & ASSOC.** requested rezoning and amendment of zoning district map from Agricultural (A), Residential Townhouse (R-TH) and Light Industrial (I-1) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit use and bulk exceptions. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 166.4 acres fronting in four (4) places for approximately 4,500 feet on the north line of Courthouse Road, fronting approximately 1,250 feet on the east line of Doublecreek Court and also fronting approximately 6,600 feet on the south line of Route 288 and located in the northeast quadrant of the intersection of Courthouse Road and Doublecreek Court. Tax IDs 763-670-8636, 765-668-7392, 766-668-4150, 767-666-7026 and 767-667-5055 (Sheets 17 and 25).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not conform to the Central Area Plan.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, stating he believed the proposed use for residential development, and commercial development on a portion of the site, was more appropriate than the suggested light industrial use outlined in the area Plan. He addressed issues relative to the appropriateness of the proposed use, citing improvements that would benefit the overall community and County.

In response to questions from the Commission, staff addressed issues relative to setbacks from Route 288 and a Noise Study performed by the applicant.

Mr. Skip Gelletly, representing the property owners, addressed the proposed use, noting that in working with all the involved parties, he felt the project, as designed, was acceptable.

Mr. Gecker opened the discussion for public comment.

Ms. Karen Jones, a resident of Courthouse Road, voiced opposition to the request, citing concerns relative to the increased traffic that would be generated by the project and the adverse impact the development would have on her property value.

Mr. Doug Hackman, representing the Southside Church of the Nazarene and the Life Spring Community Center, supported the request, noting that he believed the proposal exceeded any potential industrial uses that could be developed on the property.

Mr. Stuart Jones, a resident of Courthouse Road, did not support the request, citing concerns relative to overdevelopment of the property, inappropriateness of the proposed use, increased traffic, widening of the road impacting his property and improvements needed at the intersection of Route 10 and Courthouse Road. He added he felt the wetlands should be preserved and that light industrial development of the property was more appropriate than residential development.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Scherzer addressed concerns expressed by the previous speakers, citing improvements that would benefit the overall neighborhood as a result of the proposed development.

In response to questions from the Commission, Ms. Rogers answered questions relative to the guidelines of the currently adopted Central Area Plan as it pertained to the development of the property and Mr. Charles Dane, Manager of the Chesterfield County Airport, answered questions relative to the potential for future expansion and new construction at the Airport.

Mr. Litton stated he did not feel this was a perfect case; however, based on the church acquisition of adjacent property which removed the potential for industrial development, existence of wetlands and Route 288 being a more logical boundary between industrial and residential development, he felt the proposed residential development was more appropriate than industrial development and would recommend approval, subject to the application of Emerging Growth Standards to the commercial portion of the property and deletion of Proffered Condition 27.

Mr. Wilson seconded the motion.

Mr. Gulley stated he was the only member of the Commission remaining that was present during the revision process of the Central Area Plan, noting that Mr. Miller, the current Dale District Supervisor who was on the Commission at that time, felt strongly that the Airport was vital to the County's economic development and vitality and worked diligently to ensure that the Plan protected the area from residential encroachment. He expressed concerns relative to the loss of a sizeable piece of property that could be

developed for industrial use and that approval of residential development would result in further overcrowding of the schools in this area. He indicated that neither the Economic Development Department, the Airport nor other staff supported the request; therefore, he could not support the request.

Mr. Wilson stated he felt strict adherence to the area Plan in this case would result in deprivation of property owner rights and given that development trends did not support industrial use, he felt approval of the request was appropriate.

Mr. Gecker stated he did not believe the area development trends had changed sufficiently to justify deviation from the guidelines of the area Plan and he saw no compelling reason to deviate from that Plan. He stated he felt time should be allowed to foster the potential future expansion and new construction at the Airport and he could not support the request.

Mr. Bass concurred with Messrs. Gulley and Gecker's comments, citing concerns relative to the appropriateness of the proposed use and improvements needed at the intersection of Route 10 and Courthouse Road.

The vote on Mr. Litton's motion for approval of Case 04SN0227 was as follows:

AYES: Messrs. Litton and Wilson.
NAYS: Messrs. Gecker, Gulley and Bass.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend denial of Case 04SN0227.

AYES: Messrs. Gecker, Gulley and Bass.
NAYS: Messrs. Litton and Wilson.

G. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Litton, that the meeting adjourned at approximately 8:23 p. m. to October 19, 2004, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Chairman/Date

Secretary/Date